U. S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Environmental Protection Agency's FY 2022 Budget Request Hearing
April 21, 2021

Questions Submitted for the Record by Chairman Pingree

LINKS BETWEEN POLLUTION EXPOSURE AND CORONAVIRUS HEALTH OUTCOMES

Several public health studies have found links between exposure to air pollution and increased mortality and morbidity in patients with coronavirus infections. This has been postulated to be one of the factors why we have seen disproportionately high mortality and morbidity rates in disadvantaged communities of communities of color, which routinely experience greater pollution burdens compared to other communities.

Question: What work has EPA been doing to investigate these potential links? How is this informing the Agency's Environmental Justice strategy?

Answer: EPA is conducting research on air pollution and respiratory diseases, including investigating the relationship between air pollutant exposure and non-COVID-19 respiratory viral disease. EPA also funds the Health Effects Institute, which supports grants that investigate how air pollution exposure may impact the COVID-19 disease course, as well as differences in health outcomes by race, ethnicity, and socioeconomic status.

EPA is committed to the Biden-Harris Administration's mandate of a central reliance on science as a fundamental part of all of its work, including advancing environmental justice. Any results from academic or scientific research into the disproportionate impacts of threats to health such as COVID-19 outcomes and exposure to air pollution would be an important element in how EPA considers and integrates environmental justice responses, priorities, and commitments into our current activities and longer-term strategic planning efforts.

APPROVAL OF ELECTRIC PATHWAYS II APPLICATIONS

In fiscal year 2020 and 2021, the conference agreements included directives to the Agency to make final decisions on Electric Pathways II applications, and in FY 2021, dedicated funds was provided for this work to occur. Applications that had been pending for longer than one year were to be acted upon within 90 days of enactment. As of today, however, there has still been no final action taken on these pending applications.

Question: Please describe what work has been undertaken on these applications since the FY 2021 appropriations was signed into law in December 2020.

Answer: EPA staff are actively working to resolve the complex technical and regulatory issues associated with the electric pathway of the Renewable Fuel Standard program. The Agency continues to engage with stakeholders regularly and must consider conflicting input on the complexities associated with implementing the electric pathway. In 2016, EPA sought and received comments on an appropriate program structure for generating RINs for renewable electricity. Among other technical and regulatory issues discussed in the proposed Renewables Enhancement and Growth Support (REGS) rule preamble, under the existing framework, EPA cannot ensure that parties registering to generate RINs will be able to demonstrate that the electricity was used as a transportation fuel and not for some other purpose. There are significant technical and regulatory issues that must be addressed prior to facilities being able to demonstrate that the electricity is not claimed by multiple parties attempting to demonstrate transportation use. EPA believes these issues are best addressed through a public rulemaking process. In addition, to properly implement any eRINs program, EPA must develop critical infrastructure (for new and different information than the Agency currently collects) to be able to verify the validity of the eRINs.

Question: When should a final decision be expected on these long-pending applications?

Answer: EPA will keep you and your staff informed as we develop a path forward.

AGENCY BUILDING FOOTPRINT

The budget request includes substantial increases to EPA's core programmatic work, and notes that the Agency feels it is essential to rebuild the size of the Agency's workforce in order to successfully carry out its mission. Meanwhile, the Agency has been undertaking a series of office consolidations and relocations which have reduced the Agency's footprint very substantially over the past five years.

Question: Given your desire to increase size of the Agency's workforce, how have you modified your current physical consolidation plans?

Answer: EPA uses workforce planning and master planning to guide the consolidation and reconfiguration of EPA's workplaces. The Agency's goal is to reduce long-term rent costs while increasing EPA facility resiliency and sustainability to combat the effects of climate change and ensure a space footprint that accommodates a growing workforce. As EPA expands to support the administration's priorities, the Agency will evaluate cost-effective solutions to support staff while limiting the agency's footprint in line with the Federal Assets Sale Transfer Act (FASTA) and avoiding rent costs so the Agency can direct its appropriated resources to programmatic work.

Question: Does the Agency have the physical space it needs to onboard these staff? If not, how quickly can it acquire the necessary space?

Answer: The Agency assesses its space needs and focuses on space reconfiguration on an ongoing basis. This enables EPA to manage its footprint to create an efficient, collaborative, and technologically sophisticated workplace while accommodating a growing workforce. If the Agency determines additional space is needed, EPA will work with GSA to procure space in a timely manner and at the lowest possible cost to the Agency.

Question: Will EPA be suspending its current consolidation activities pending the approval of the FY 2022 budget?

Answer: EPA continuously reviews its federal infrastructure and operations in line with FASTA. EPA's FY 2022 budget request will grant the Agency important flexibility to modify space, as appropriate, to support a growing workforce.

HEALTH IMPACTS OF CAFOS ON NEIGHBORING COMMUNITIES

Many communities that are in close proximity to Concentrated Animal Feeding Operations are deeply concerned about the potential cumulative health, air quality, and water quality impacts they face from lagoon and sprayfield waste management systems.

Question: What cumulative impact studies has EPA undertaken or have underway to evaluate the health and environmental impacts of CAFOs on their surrounding communities?

Answer: The Agency has not conducted cumulative health impact studies specific to the animal agriculture industry. The Agency is continuing its work to improve emission estimation methods for animal agriculture sources, a necessary first step toward understanding the specific impacts of these emissions.

Question: Has EPA evaluated methods or technologies that can be deployed at CAFOs to mitigate these harmful impacts? If such methods and technologies exist, what is the Agency doing to promote their adoption?

Answer: The Environmental Protection Agency and the United States Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) collaborated to publish the "Agricultural Air Quality Conservation Measures: Reference Guide for Poultry and Livestock Production Systems." This EPA/NRCS collaboration provides a broad set of conservation practices for poultry and livestock operations that may address air resource concerns with a focus on NRCS conservation standards and other demonstrated practices.

As a follow-up to the 2012 guide, "Agricultural Air Quality Conservation Measures: Reference Guide for Cropping Systems and General Land Management," this new document proposes a variety of tools and standards for creating effective air standards in the agricultural industry. Developed as a technical tool, the guide describes different conservation measures that

have been successfully demonstrated to reduce emissions of various air pollutants on farms. In addition, it provides information on the applicability of the measures to different types of farms and ranges of potential emission reductions.

The Agency also sponsors programs that focus on encouraging more efficient production of food or agricultural products with less pollution:

- AgSTAR: a collaborative program sponsored by EPA and USDA that promotes the use of biogas recovery systems to reduce methane emissions from livestock waste.
- The Diesel Emissions Reduction Act (DERA) Program: funds grants and rebates that protect human health and improve air quality by reducing harmful emissions from diesel engines.

ENERGY STAR

The ENERGY STAR program has been extremely successful in moving energy efficient technology into the marketplace by helping to better educate consumers. However, there are many opportunities to continue to build on the program's success to drive in greater adoption of energy efficient technologies, especially in the context of commercial building systems, and through partnerships with state and local governments and code-writing bodies.

Question: What role will ENERGY STAR and other voluntary efficiency programs play in the Agency's efforts to curb carbon pollution?

Answer: ENERGY STAR and EPA's other climate partnership programs play a critical role alongside the Agency's regulatory programs. These programs are well positioned to deliver on-the-ground action in support of our nation's climate goals, such as upgrading homes, buildings, and schools; achieving a carbon-free power sector; and accelerating low-carbon manufacturing. These programs will focus on evolving and adapting to new technologies and priorities, such as electrification of appliances, homes, and buildings; energy performance standards for buildings; and managing electricity demand. These programs also will work to ensure that all sectors of society benefit from and participate in the clean energy economy.

ENVIRONMENTAL JUSTICE

Too many front-line communities are overly burdened by corporate pollution and environmental degradation. These burdens have a disproportionate negative impact on the health of those community members. However, the Agency currently lacks a definition for a disproportionately exposed community, which negatively impacts the ability of policymakers to incorporate environmental justice considerations into their decision processes.

Question: Does the Agency believe it to would be of benefit to develop a definition for disproportionately exposed communities? If so, what factors would the Agency seek to include in its definition? When does EPA think such a definition would be available?

Answer: EPA agrees that a consistent definition for disproportionality of exposure and impacts is important for the integration of equity and environmental justice considerations throughout EPA's and other federal agency's programs, policies, and activities. Such a definition could include past, current, or potential environmental risk, environmental exposure and impacts, vulnerability of community members, other socioeconomic factors related to exposure and health outcomes, as well as quality of life impacts. The development of definitions for disproportionality and related terms are currently being considered as elements of President Biden's all of government approach to advance equity and justice in Executive Orders 13985 and 14008. EPA is an active supporter and participant in the implementation of those orders, along with Executive Order 12898, and looks forward to their full implementation.

REDUCING WASTE AND PROMOTING RECYCLING

Question: An area of bipartisan interest and concern for this subcommittee has been plastic waste in the environment, and the economic opportunities and environmental benefits that could be realized by transitioning towards a circular economy. The Agency has a very important role to play in facilitating that transition, through data collection, standard setting, education programs, and sharing of best practices. In FY 2020 and FY 2021, the subcommittee directed the Agency to take on some of this work and provided funding resources to support those efforts. Please provide an update on the Agency's efforts on expanding recycling and increasing supply chain circularity.

Answer: Strengthening the U.S. recycling system is an EPA priority that will benefit the environment, the economy, and communities that have borne the brunt of poorly run waste management facilities and transfer stations. With the funding provided by Congress, in FY 2020 EPA worked collaboratively with stakeholders to develop a draft National Recycling Strategy and set a new national goal to increase the recycling rate to 50 percent by 2030. A draft of the National Recycling Strategy was released for public comment in October 2020 and EPA received 156 public comment letters. EPA also briefed EPA's National Environmental Justice Advisory Council in June 2021, enabling the public and stakeholders to weigh in on the development of the final document. In FY 2021, EPA will release the final National Recycling Strategy as an initial step toward creating a circular economy, creating jobs, and reducing environmental and social impacts. EPA anticipates that future versions of the Strategy will address source reduction and reuse. EPA continues to advance recycling education and outreach through public-private partnerships, sharing recycling program best practices, compiling and sharing data and information on recycling programs at the state level, and developing new digital tools to support recycling.

In FY 2021, EPA began a comprehensive data collection effort to strengthen residential recycling in the United States, including data on single-use plastics. EPA also is developing estimates of the investment required to modernize the material recovery infrastructure to achieve consistent collection across the nation and to provide all citizens with access to recycling services

on par with access to disposal. EPA anticipates initiating the data collection and financial needs assessment in late summer/early fall of 2021.

In the FY 2022 President's Budget, EPA is requesting $10 million to implement a new solid waste infrastructure financing grant program (SWIFR) to help reduce waste, reduce greenhouse emissions, and create good-paying jobs. This investment will use the new authority provided in the Save our Seas 2.0 Act (Pub. L. 116-224). This new grant program will focus on improving solid waste management infrastructure and post-consumer materials management.

Question: Many jurisdictions have put in place policies that disincentivize or that prohibit the use of some materials that are of low-value and that significantly impede recycling efforts. Some examples include bans on Styrofoam food containers or bag fees on plastic bags. Has EPA done any analyses on the efficacy of such policies? If so, what was its conclusions?

Answer: In response to the December 2020 GAO report, "Recycling: Building on Existing Federal Efforts Could Help Address Cross-Cutting Challenges", EPA is currently conducting a study and developing recommendations for actions that can be taken regarding the types of local public policies referenced in the question, and the likely effect of modifying or eliminating such existing public policies upon the reuse, recycling, and conservation of materials. The study is expected to conclude in FY 2022. EPA will continue its efforts to work with stakeholders to provide data, tools, information, and other resources to support recycling efforts.

Question: Please provide estimates for the impacts on waste if such policies were applied at the national scale.

Answer: EPA is currently conducting the study and does not have estimates for the impacts on waste if such policies were applied at the national scale. The study is expected to conclude in FY 2022. EPA will continue its efforts to work with stakeholders to provide data, tools, information, and other resources to support recycling efforts.

EXTENDED PRODUCER RESPONSIBILITY

Question: Many states, including the state of Maine, and many stakeholders in the public and private sector are embracing the concept of extended producer responsibility (EPR) as a strategy to address waste generation and to reduce the amount of plastic and other types of waste in the environment. Does EPA believe that EPR is a useful policy tool to promote material circularity?

Answer: EPR is one of several strategies to address waste generation and to reduce the amount of plastic and other types of waste in the environment. EPA is currently conducting a study and developing recommendations for actions that can be taken regarding the types of local public policies referenced in the question, and the likely effect of modifying or eliminating such existing public policies. The study is expected to conclude in FY 2022.

Question: Has the EPA done any work to examine different EPR models to evaluate their relative efficacy? If so, what has been the Agency's findings?

Answer: EPA is currently conducting a study and developing recommendations for actions that can be taken regarding the types of local public policies referenced in the question, and the likely effect of modifying or eliminating such existing public policies. The study is expected to conclude in FY 2022.

Question: How has EPA been supporting efforts by stakeholders to develop efficient and effective EPR proposals?

Answer: EPA provides information and data to stakeholders about trends in municipal solid waste generation and management as well as the environmental and economic benefits of recycling.

Question: Have there been needs expressed by stakeholders that EPA has been unable to meet?

Answer: Stakeholders continue to indicate the need for federal investment in waste management, recycling, and organics infrastructure to support efforts to increase recovery of materials. The Save Our Seas 2.0 Act, passed in December 2020, provides EPA with authority to act on waste management through new grant programs. Using the Save Our Seas 2.0 Act authority, in FY 2022, EPA is requesting an additional $10 million to pilot a new grant program to help address these needs. The Solid Waste Infrastructure for Recycling (SWIFR) financing program will help reduce waste, reduce greenhouse emissions, and create good-paying jobs.

ENFORCEMENT AGENDA

One of the most distressing things about the previous Administration's environmental policies were changes that were made with respect to environmental enforcement. While enforcement numbers at the EPA began been trending downwards over the past decade as the Agency was starved for resources, enforcement activity plummeted beginning in 2017. EPA also sought to weaponize enforcement for political gain, by selectively threatening enforcement actions against critics, as was done to California and New York in 2019 and 2020. Recently, the EPA Inspector General released a report detailing how a senior Trump Administration political appointee within the Office of Air and Radiation interfered with one of the regional office's efforts to monitor for illegal emissions of a toxic and carcinogenic pollutant at an industrial facility. Given everything else we know about the Agency's enforcement policies and practices, it is likely this was not an isolated incident.

Question: Are there any policies, or policy changes, you are contemplating to ensure that EPA's enforcement program remains a fair and effective tool by which the Agency ensures compliance with our environmental laws, and is not used as a cudgel against political opponents?

Answer: EPA's enforcement program relies on long-standing policies and guidance to ensure consistent and fair results that achieve compliance with environmental statutes and regulations. These long-standing policies and guidance help deter future violations while ensuring that enforcement discretion is exercised appropriately and in ways that benefit human health and the environment. The Agency's enforcement program continuously reviews its policies and guidance to ensure its enforcement and compliance programs are effective and consistent. This ensures that actors subject to environmental requirements are treated fairly, and that communities see the protections provided by those requirements.

Question: What types of guardrails can the Agency put in place to ensure that enforcement discretion authority is not abused now and in the future?

Answer: Continuous Agency review of enforcement and compliance policies and guidance ensure they remain effective and consistent achieving fair results and compliance with environmental statutes and regulations.

Questions Submitted for the Record by Representative Joyce

LAKE ERIE

When I travel around my district in Northeast Ohio, I consistently hear concerns about the increasing water levels in Lake Erie and their contribution to ongoing erosion damage to shoreline communities.

To provide relief to our coastal communities, over the last year I have worked with various federal agencies to try to address this problem. In doing so, I have discovered that it is going to take coordination and collaboration – at the local, state and federal level – to identify long-term solutions that will help us protect our critical infrastructure, prevent further loss of land, and restore coastal habitat due to erosion.

Given EPA will play a key role in these efforts, in fiscal year 2021, I was proud that Congress included language encouraging EPA to make GLRI funding available to expand breakwaters and advance local shoreline mitigation measures.

Question: Please describe EPA's plans in fiscal year 2021 to make GLRI funding available to protect Great Lakes shorelines that are threatened by rising lake levels. How will this funding help coastal communities?

Answer: EPA understands the challenges that recent high lake levels and associated coastal erosion have caused for Great Lakes communities. GLRI funding can play an important role in addressing this issue through projects that improve ecological conditions of the Great Lakes and that enhance, restore, or protect habitats for important species. Coastal wetland projects (many of which have occurred on the Lake Erie shoreline) help make the shorelines more resilient to the impacts of high lake levels. These projects can also provide economic and recreational benefits to local communities. Thankfully, lake levels seem to be decreasing this year, but we will need to anticipate high water again in the future.

Question**:** Will EPA use this funding to collaborate with other Federal agencies, like the Army Corps of Engineers, on coastal erosion projects? If so, can you describe some of these efforts?

Answer: Through the GLRI, EPA partners with federal, state, tribal, and local agencies, including the Army Corps of Engineers, to protect and restore coastal and nearshore habitats for purposes of ecological restoration and is committed to continuing to work collaboratively with these partners moving forward. These restoration efforts will enhance the resiliency of the Great Lakes shorelines.

Since 2020, GLRI funds have been supporting a multi-year $3.5 million interagency study, led by the U.S. Army Corps of Engineers, to enable the planning, design, and implementation of resilient and sustainable projects along the Great Lakes coast. The study will not only support

GLRI but will also inform the appropriate design and placement of shoreline mitigation measures that may be taken by non-federal partners.

Question**:** Does the fiscal year 2022 budget request provide GLRI funding for the Agency to continue this important work?

Answer: The FY 2022 budget requests $340 million for the GLRI, which will support a broad portfolio of critical environmental work including projects to restore, protect, and enhance coastal habitats.

Question**:** Beyond GLRI, are there other EPA programs, like the Clean Water SRF, that may help constituents like mine address coastal erosion issues?

Answer: Yes. EPA is collaborating across EPA's Program Offices and Regional Offices to develop creative solutions that advance waterbody restoration and protection, improve water quality, and increase the resilience of our nation's water resources. EPA is currently working on a consolidated guide to the various types of assistance that are available to state, tribal, and local water program managers when planning or implementing water-related resiliency or climate projects, including projects that mitigate erosion. These types of assistance may include Wetlands Program Development Grants, the Climate-Ready Estuaries Program, the Nonpoint Source Program, the National Estuary Program, the Water Infrastructure Finance and Innovation Act (WIFIA), and the Clean Water State Revolving Fund (CWSRF).

For example, the CWSRF may be a source of financing for projects that address coastal erosion issues in the Great Lakes if those projects implement the state's nonpoint source management program plan or are considered cooperative ways to address nonpoint sources of pollution. In addition to CWSRF, WIFIA can fund similar projects that have a cost of at least $5 million.

RECYCLE ACT

Question: Given education is a proven tool to increasing recycling participation, strengthening recycling streams, and reducing pollution, as co-chair of the House Recycling Caucus, I have been proud to co-lead H.R. 2159, the RECYCLE Act, to help protect our invaluable natural resources. The RECYCLE Act would create a new EPA grant program to help States, Tribes, local governments, nonprofits, and public private partnerships educate households and consumers about their residential and community recycling programs. In fiscal year 2021, Congress provided up to $1.5 million to support these efforts at the Agency. Please describe how the Agency plans to use this funding in fiscal year 2021. How will these efforts also benefit the environment and the economy?

Answer: Recycling is an important part of a circular economy, which refers to a system of activities that is restorative to the environment, enables resources to maintain their highest values, and designs out waste. With the funding provided by Congress, EPA expects to spend

approximately $1 million in FY 2021 on advancing recycling education and outreach through public-private partnerships, sharing recycling program best practices, compiling and sharing data and information on recycling programs at the state level, and supporting innovation through the development of new digital tools to support recycling. In Summer FY 2021, EPA anticipates releasing a final National Recycling Strategy that will focus on advancing and enhancing the municipal solid waste recycling system to lessen the nation's impacts on climate change and support the national goal to increase the recycling rate to 50 percent by 2030.

Question: What recycling challenges do these entities currently face?

Answer: EPA's 2019 *National Framework for Advancing the U.S. Recycling System* articulated a number of challenges facing municipal solid waste recycling, including: confusion about what materials can be recycled, which often leads to placing recyclables in the trash or throwing trash in the recycling bin or cart; recycling infrastructure that has not kept pace with today's diverse and changing waste stream; reduced markets for recycled materials; and varying methodologies to measure recycling system performance. To help address these challenges, in the FY 2022 President's Budget, EPA is requesting $10 million to pilot a new grant program focused on improving solid waste management infrastructure and post-consumer materials management. As the U.S. solid waste management infrastructure is struggling to maintain pace with rapidly evolving waste streams, leading to inefficient use of domestic resources, this federal investment will seek to identify critical technology to help the nation enhance the resilience of our recycling system.

Question: Could additional funding broaden community outreach, awareness, and education on recycling to increase recycling participation?

Answer: With new funding, EPA could produce and distribute to state, local, and tribal governments additional outreach and educational materials emphasizing the environmental, social, and economic benefits of recycling. These materials should be inclusive and translated into multiple languages to support broad outreach including consumers, industry, elected officials, students, and other stakeholders. This public education effort will help reduce recycling contamination and increase the rate of recycling.

GREAT LAKES TRASH-FREE WATERS PROGRAM

Last Congress, I toured the *Lake Guardian* – EPA's largest research vessel tasked with monitoring trends of the Great Lakes Ecosystem. I saw firsthand how critical it is to prevent waste, particularly plastics, from getting into our waterways given some areas of the Great Lakes are already experiencing high densities of microplastics.

That is why I have been supportive of EPA's Trash-Free Waters program, which provides resources to help communities keep trash out of U.S. waterways and prevent microplastics from entering our food supply and drinking water sources. This program is especially important now

given we are likely to see an uptick in pollution from disposable face masks and gloves due to the pandemic.

Question: Does the Agency plan to continue the Trash-Free Waters program in fiscal year 2022?

Answer: Yes, the Agency plans to continue the Trash-Free Waters program in FY 2022, including continued support for trash capture and prevention programs across the country that support water quality and waste management goals.

This year, EPA issued its 2nd Great Lakes Trash-Free Waters Grant Program Request for Applications (RFA). EPA intends to assess the success of projects funded under the first RFA in 2020 and the quality of the applications submitted per the second RFA in 2021 to guide EPA's next steps.

Question: Why is it important for EPA to work with communities, States, and Tribes to prevent trash and other pollution from entering our Nation's waterways? What are the environmental, economic, and recreational benefits?

Answer: Aquatic trash is a significant environmental issue that has substantial economic and environmental consequences on states, tribes, and communities throughout the country. EPA engages in both domestic and international partnerships to support trash pollution prevention programs, recycling efforts in rural and suburban communities, trash capture efforts, and waterfront revitalization. In 2016 (latest figures available), the United States alone contributed up to 1.45 million metric tons of plastic waste to coastal ecosystems. Aquatic trash issues include decreased aesthetic, recreational, and economic values of rivers, beaches, and marine resources; animal entanglement or ingestion, sometimes resulting in the death of dolphins, whales, turtles, sea birds, and more; pollutant and virus transport; habitat destruction; and more taxpayer dollars spent on cleanup. Trash removal has a positive impact on tourism, fisheries, housing prices, human health, aesthetics, and communities.

GLRI FUNDING

Given the environmental and economic importance of the Great Lakes, I was proud that in fiscal year 2021 Congress was able to provide $330 million – an increase of $10 million – to continue restoring and protecting the Lakes through the Great Lakes Restoration Initiative.

Question: Given the Administration's infrastructure plan highlights the need to invest in the protection and restoration of major water resources, like the Great Lakes, does the fiscal year 2022 budget request include sustained funding for GLRI?

Answer: Yes. The FY 2022 budget request increases funding for GLRI at $340 million for FY 2022.

Question**:** Why is continued EPA support for the GLRI critical to the long-term health and vitality of the Lakes?

Answer: The Great Lakes are the largest system of surface freshwater on earth, containing 20 percent of the world's surface freshwater and 95 percent of the United States' surface freshwater. The Lakes have suffered from decades of pollution, habitat reduction, invasive species, and other impacts. Only through a concerted, coordinated long-term effort will the Lakes be restored.

GREAT LAKES AND LAKE CHAMPLAIN INVASIVE SPECIES PROGRAM

Over the last two years, Congress has included direction for EPA to provide a report on its efforts to implement the Great Lakes and Lake Champlain Invasive Species Program, as authorized by the Vessel Incident Discharge Act.

Question**:** Please provide an update on EPA's efforts to implement the program to reduce the risk of introduction of invasive species into the Great Lakes and Lake Champlain.

Answer: EPA, along with our federal, state, tribal, and local partners, plans to continue to utilize GLRI funds (~$50M annually) and Lake Champlain Geographic Program funds (~$1M annually) on projects to prevent the introduction of new aquatic invasive species; control established aquatic invasive species; and develop and refine invasive species control technologies and management techniques. These projects directly support the commitments and measures of progress in the GLRI Action Plan III or the goals and objectives of the Lake Champlain Basin Program. These projects also support the stated purposes of the Great Lakes Lake Champlain Invasive Species Program. Further, many of these projects result in substantial benefits for both Lake Champlain and the Great Lakes through sharing of best management practices and jointly preventing and controlling priority species and vectors.

Question**:** Given this information is useful as we carry out our annual appropriations work, can the Agency work with my staff to provide that report to the Committee and assist with any follow-up questions?

Answer: Yes. The Agency will work with Congress and staff to respond to any follow-up questions.

HARMFUL ALGAL BLOOMS

Despite increased GLRI funding, significant work to reduce nonpoint source pollution, and efforts to mitigate impacts that human activities have had on the Great Lakes, we continue to hear reports about the growing threat of Harmful Algal Blooms in the Great Lakes.

Question: How could adjusting the allocation of GLRI funds to the various Focus Areas, like nutrients and habitat, potentially help accelerate HAB reduction efforts?

Answer: EPA, along with our federal partners, continues to review the allocation of GLRI funds to the various Focus Areas in order to optimize progress on cleaning up areas of concern, controlling invasive species, and reducing nonpoint source pollution that contributes to HABs. These are all long-term problems with long-term solutions.

Question: When allocating GLRI funding, does EPA consider projects that yield multiple benefits to more than one Focus Area?

Answer: Yes.

Question: Could additional restoration progress be made by investing in innovative projects like natural infrastructure project designs, like wetlands, technologies, or approaches that yield nutrient and HAB reduction benefits at landscape scales?

Answer: To resolve a problem as large and complex as excessive nutrient loading and the resultant harmful algal blooms in the Great Lakes, EPA pursues a balanced approach of reducing non-point source loads and investing in innovative and natural nutrient reduction approaches, such as two-stage ditches and wetlands. EPA continues to look for and invest in projects that will yield the best results, including projects using proven technology and innovative approaches.

FINANCIAL CAPABILITY ASSESSMENT (FCA) GUIDANCE

Earlier this year, after several years of bipartisan work across multiple Administrations, EPA signed its final pre-publication 2021 Financial Capability Assessment (FCA) Guidance to update the Agency's long outdated methodology for helping communities calculate the ability of low-income households to pay rising water and wastewater bills. This is a critical step forward in addressing affordability concerns over the cost of clean water services and meeting compliance obligations.

Question: Please provide a status update on EPA's ongoing efforts to publish this final guidance in the Federal Register.

Answer: The 2021 Financial Capability Assessment (FCA) for Clean Water Act Obligations is undergoing review in accordance with the "Regulatory Freeze Pending Review Memorandum" that the Administration issued on January 20, 2021. EPA anticipates completing the review in FY 2021.

INTEGRATED RISK INFORMATION SYSTEM (IRIS)

In 2016, Congress approved on a bipartisan basis, amendments to the Toxic Substances Control Act (TSCA) requiring EPA to conduct chemical assessments utilizing the best available scientific evidence. The National Academy of Sciences (NAS) has concluded on multiple occasions that the Integrated Risk Information System (IRIS) program, which is not authorized or mandated by statute, does not utilize a weight of evidence process to identify, evaluate, and integrate all available scientific evidence to reach conclusions regarding human health risk from chemical exposures. The NAS has further noted persistent problems in the program's ability to produce high quality assessments.

Question: What is the justification behind EPA's recent decision to revive IRIS risk assessment of certain chemicals, especially for those chemicals currently undergoing a risk evaluation under the amended TSCA process?

Answer: EPA's Research and Development Program develops IRIS assessments to address the science needs of the Agency. IRIS assessments are different from TSCA risk evaluations and provide hazard and dose response information, which are then used by other Agency programs that complete the risk assessment to inform decisions. TSCA risk evaluations are developed specifically to address decisions under TSCA and may not necessarily meet the needs of other programs. To ensure the scientific integrity of any Agency actions based upon these risk assessments, EPA decided to revive some IRIS assessments to address the continued needs by several offices in the Agency.

INTEGRATED RISK INFORMATION SYSTEM (IRIS)

The bipartisan Frank Lautenberg Chemical Safety for the 21st Century Act (LCSA), enacted in 2016, requires EPA to comply with specific requirements in Section 26, including using the best available science in undertaking risk assessments and making decisions based on the weight of the scientific evidence. The IRIS program, which is not authorized in statute, does not meet the requirements of Section 26 under LCSA.

Question: Given that EPA is statutorily bound to meet the standards of applicable statutory programs, including utilizing the best available scientific evidence in its risk assessments, would EPA consider a peer reviewed analysis of the science employed, specifically how the requirements in Section 26 of the LCSA were applied on risk assessments undertaken by the Agency?

Answer: EPA conducted robust, independent external peer reviews of the science that informed the first 10 risk evaluations conducted under the revised TSCA, meeting both the spirit and the letter of section 26. EPA's Chemical Safety and Pollution Prevention Program uses systematic review processes to ensure the TSCA section 26 requirements are met. Additionally, if a peer reviewed analysis was identified as relevant and underwent systematic review for TSCA,

then it may be used in TSCA risk evaluations, as legally and scientifically applicable and appropriate.

CARBON SEQUESTRATION

As part of the Executive Order, *Tackling the Climate Crisis At Home and Abroad*, President Biden stated that "America's farmers, ranchers, and forest landowners have an important role to play in combating the climate crisis", and the Administration charged the U.S. Department of Agriculture with determining the best ways to expand on U.S. agriculture's carbon sequestration potential. As part of this effort, programs at EPA – including the AgStar program – seek to partner with agricultural producers to develop on-farm carbon capture technology.

Question: In capitalizing on the agriculture industry's sequestration potential to reduce emissions, does the Agency believe it is more effective to work in partnership with agricultural producers to develop these new technologies or to regulate them?

Answer: EPA has a long history of working together successfully with USDA and the agricultural community via partnership and other programs. For example, since 1994, our AgSTAR partnership program has contributed to significant progress in reducing methane emissions in the agriculture sector. Based on AgSTAR's Livestock Anaerobic Digester Database, in 2020 anaerobic digester projects in the United States reduced 5 million metric tons of CO_2 equivalent ($MMTCO_2e$).

EPA will continue to work closely with stakeholders and federal and state partners to leverage the Agency's expertise and tools related to greenhouse gases (GHG) reporting, accounting, and mitigation potential estimation within the agricultural sector, including work to support the President's Executive Order on *Tackling the Climate Crisis at Home and Abroad* and related climate smart agriculture and forestry initiatives.

Questions Submitted for the Record by Representative Simpson

NEW APPROACH METHODOLOGIES AND THE GOAL OF ENDING ANIMAL TESTING

The Environmental Protection Agency has a history of embracing and accepting new approach methodologies (NAMS) that do not involve the use of animals, including for testing the safety of pesticides and industrial chemicals. In 2019, EPA demonstrated its commitment to these approaches by setting a goal to end mammalian testing for its regulated products by 2035 (including those the Agency commissions in-house as well as those that it requires businesses to conduct), with a goal of reducing mammalian testing by 30% by 2025. This commitment followed the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, signed into law in June 2016, which included statutory language to reduce and ultimately end the use of animals in toxicity testing for risk assessments of chemicals under the Toxic Substances Control Act (TSCA).

The Agency furthered its commitment by devoting $4.25 million to the development of NAMs at five universities. These non-animal approaches include organ-on-a-chip technologies, cell cultures, computer modeling, and other methods that are often faster, more cost effective, and more predictive of human health concerns in comparison to animal tests. For example, separate species can respond differently when exposed to the same chemicals, and even differing sexes or sub-species can react inconsistently. Consequently, results from animal tests may not be relevant to humans or can under- or over-estimate health hazards. Alternative methods, based on human biology, are much more likely to provide results predictive of human responses.

Additionally, because animal testing is time-consuming and expensive, it limits the number of chemicals and products that can be tested. Thousands of new chemicals are created every year with tens of thousands more already in use in the world around us. Using animal testing to evaluate the human and environmental safety of all these chemicals would take decades to complete, not to mention millions of animal lives. A strong commitment from EPA scientists to apply the best available science in chemical safety assessment will enable the Agency to prioritize those chemicals that are most likely to cause harm to humans or the environment. Not only is this commitment important to furthering scientific advancement within the EPA, but it also ties closely to the Biden-Harris Administration's priority of applying the best available science when making policy decisions, as evidenced by the "Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking," which notes that it is the Biden -Harris Administration's policy to make evidence-based decisions guided by the best available science and data.

In the FY21 Omnibus Appropriations bill, Congress approved EPA's budget request to expand EPA's Student Services Contracting Authority beyond the Office of Research to the Offices of Water and Chemical Safety and Pollution Prevention. Congress also authorized up to $2 million in funding to allow the program to recruit recent graduates and early career scientists to temporary contract positions to support those offices within EPA. This funding runs through the

end of the current Fiscal Year to benefit those offices. EPA has faced a significant reduction of scientific talent and the agency has identified this expansion as an avenue to address that issue.

Question: What is the status of EPA implementing this new authority for this Fiscal Year?

Answer: EPA appreciates this new authority granted in the Consolidated Appropriations Act, 2021 (Public Law 116-260) and is working to implement the new Student Contracting authority. In so doing, the Agency discovered the authority is for one fiscal year. Timeframes associated with federal acquisition requirements are anticipated to extend beyond the fiscal year, which poses a challenge to fully implement the authority in FY 2021. To remedy this, as part of the FY 2022 budget request, the Agency is requesting an extension of the authority from FY 2022 through FY 2026.

Question: Will EPA propose or support a permanent expansion of the authority to the Offices of Water and Chemical Safety and Pollution Prevention beyond the current Fiscal Year?

Answer: In EPA's FY 2022 Congressional Justification, EPA proposes to continue this authority from 2022 through 2026 to provide the Agency with sufficient time to implement and evaluate this authority.

Questions for the Record Submitted by Representative DeLaro

EPA BUDGET AND PFAS

The American Rescue Plan included a critical $10 billion in resources for the Agency to combat PFAS, and I am pleased to hear that EPA has begun to implement this work. However, more action is needed to be proactive in preventing PFAS contamination across our country.

Question: What is the Agency's timeline to undertaking Administration action to limit PFAS discharges into air and water?

Answer: In the early days of this Administration, EPA took some important steps. EPA pulled down a toxicity assessment that had been politically compromised and issued a new assessment backed by career scientists. EPA also began to develop a national primary drinking water regulation, to collect new data critically needed to improve the EPA's understanding of 29 PFAS, and to solicit data on the presence and treatment of PFAS in wastewater discharges.

In late April, EPA created a council of senior EPA career officials from across the agency and tasked them with strategizing the best way to use the EPA's authorities, expertise, and partnerships to mitigate and reduce PFAS pollution and protect public health and the environment. This newly established EPA Council on PFAS (ECP) will collaborate on cross-cutting strategies; advance new science; develop coordinated policies, regulations, and communications; and engage with affected states, tribes, communities, and stakeholders. To address the PFAS challenge and meet the needs of our partners and our communities across the United States, the council will, among other duties, to develop a multi-year strategy to deliver critical public health protections to the American public. The ECP will make initial recommendations within 100 days of its establishment.

Question: Will there be a phase-out of non-essential PFAS usage in pesticide containers and cleaning products?

Answer: EPA is currently engaged in information-gathering activities to determine the extent of PFAS presence in pesticide containers and in the packaging of other products. That information will inform an ultimate strategy for addressing this issue. EPA's Pesticide Program also recently began an active laboratory testing process involving samples from products that have been identified by external testing laboratories. This involves evaluating PFAS contamination in the products themselves as well as the packaging of those products. Preliminary results indicate that the treatment of packaging via fluorination is believed to be a potential source of observed PFAS contamination, but investigations are ongoing.

EPA also is beginning to investigate the issue of PFAS presence in the packaging of other industrial chemical products, which could include cleaners. EPA will determine the appropriate next steps once we have better understanding of the extent of the issue.

LONG ISLAND SOUND PROGRAM

The EPA's Long Island Sound Geographic Program is an important environmental initiative in my district, as well as many other Members from the Connecticut and New York delegations. This program was under threat during the previous Administration, but I look forward to working with you to ensure their program continues to improve the Sound and the surrounding ecosystem.

Question: How can the Agency continue working with state level stakeholders to continue to improve the watershed and wildlife habitats, while preserving the Sound for future generations?

Answer: EPA worked cooperatively with Long Island Sound stakeholders to update the Comprehensive Conservation and Management Plan for Long Island Sound with actions covering the period 2020-2024. Consistent with that plan, in FY 2021, the Program is working to increase technical and financial assistance to state and local agencies and community-based organizations to improve the health of Long Island Sound. In FY 2022, EPA plans to work to further expand investments and partnerships for clean water, healthy habitats, and resilient communities. EPA is also committed to assessment and reporting of environmental progress to Congress and all stakeholders to continually evaluate and improve efforts.

Questions for the Record Submitted by Representative Kilmer

NEW APPROACH METHODOLOGIES (NAMS) AND THE GOAL OF ENDING ANIMAL TESTING

The Environmental Protection Agency has a history of embracing and accepting new approach methodologies (NAMs) that do not involve the use of animals, including for testing the safety of pesticides and industrial chemicals. In 2019, EPA demonstrated its commitment to these approaches by setting a goal to end mammalian testing for its regulated products by 2035 (including those the Agency commissions in-house as well as those that it requires businesses to conduct), with a goal of reducing mammalian testing by 30% by 2025. This commitment followed the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, signed into law in June 2016, which included statutory language to reduce and ultimately end the use of animals in toxicity testing for risk assessments of chemicals under the Toxic Substances Control Act (TSCA).

The Agency furthered its commitment by devoting $4.25 million to the development of NAMs at five universities. These non-animal approaches include organ-on-a-chip technologies, cell cultures, computer modeling, and other methods that are often faster, more cost effective, and more predictive of human health concerns in comparison to animal tests. For example, separate species can respond differently when exposed to the same chemicals, and even differing sexes or sub-species can react inconsistently. Consequently, results from animal tests may not be relevant to humans or can under- or over-estimate health hazards. Alternative methods, based on human biology, are much more likely to provide results predictive of human responses.

Additionally, because animal testing is time-consuming and expensive, it limits the number of chemicals and products that can be tested. Thousands of new chemicals are created every year with tens of thousands more already in use in the world around us. Using animal testing to evaluate the human and environmental safety of all these chemicals would take decades to complete, not to mention millions of animal lives. A strong commitment from EPA scientists to apply the best available science in chemical safety assessment will enable the Agency to prioritize those chemicals that are most likely to cause harm to humans or the environment. Not only is this commitment important to furthering scientific advancement within the EPA, but it also ties closely to the Biden - Harris Administration's priority of applying the best available science when making policy decisions, as evidenced by the "Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking," which notes that it is the Biden-Harris Administration's policy to make evidence-based decisions guided by the best available science and data.

Question: Administrator Regan, what steps do you anticipate taking to see that the Agency accelerates its public commitment to reduce mammalian testing by 30 percent within the next four years and end mammalian testing altogether by 2035, if not sooner?

Answer: EPA is proud to be a leader in developing methods and technologies that drastically reduce the need for the use of vertebrate animals in research and testing. EPA is working closely with scientists from academia, other governmental agencies in the United States and around the world, industry, and non-governmental organizations to build confidence in NAMs. Researchers within EPA's Research and Development Program are developing faster and more cost-effective ways to test and screen thousands of chemicals using computational and non-animal tests, which could reduce the need for animal studies and which, when fully developed and evaluated, could provide the high-quality scientific information needed to protect human health and the environment. For human health, progress is being made in areas such as endocrine disruption, carcinogenicity, and the respiratory system. However, as with more traditional approaches, it will be necessary to characterize the performance of these methods prior to their adoption into regulatory decision making. EPA's Chemical Safety and Pollution Prevention Office has already incorporated NAMs for several regulatory decisions where possible (e.g., acute toxicity testing, biosolubility testing, and skin sensitization testing).

Question: In 2021, what steps will the Agency take to prioritize increasing the development and implementation of NAMs at the Agency?

Answer: Numerous EPA Offices are engaged in on-going activities related to research, training, and implementation of NAMs. Many of these activities have been highlighted at the 2019 and 2020 EPA conferences on "State of Science on Development and Use of NAMs for Chemical Safety Testing," presentations to federal advisory committees, and numerous scientific professional meetings. EPA's website also describes many of these activities. EPA also is sponsoring an *ad hoc* committee of the National Academies of Sciences, Engineering, and Medicine on *Variability and Relevance of Current Laboratory Mammalian Toxicity Tests and Expectations for New Approach Methods (NAMs) for Use in Human Health Risk Assessment*. Additional information on this effort may be found at: https://www.nationalacademies.org/our-work/variability-and-relevance-of-current-laboratory-mammalian-toxicity-tests-and-expectations-for-new-approach-methods--nams--for-use-in-human-health-risk-assessment.